

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**EDDIE J. HAYNES,**  
**Plaintiff,**

**V.**

**CITY OF MONTGOMERY,  
ALABAMA  
Defendant.**

**CASE NO. 2:06cv1093-WKW**

## **STIPULATIONS BETWEEN THE PARTIES**

Pursuant to the Pretrial Order of this Court entered February 21, 2008, the parties submit the following:

- A. The Defendant City of Montgomery, Alabama is a municipal corporation within the State of Alabama, is an employer within the meaning of the Americans with Disabilities Act of 1990, and has had more than 500 employees at all times material to this action.
- B. Plaintiff has fulfilled all conditions precedent to the institution of this action.
- C. Plaintiff was employed by Defendant from April 4, 1990 until June 14, 2006 as a Firefighter in Defendant's Fire Department.
- D. On March 15, 2005, the administration from the Fire Department put Haynes on leave.
- E. Initially, Plaintiff's leave was paid due to his accrued sick time, but beginning on May 30, 2005 his leave was unpaid.

F. Haynes made numerous requests to be allowed to return to work as a firefighter for the City of Montgomery.

G. Haynes was sent a letter dated June 20, 2006 by then Deputy Chief Miford Jordan informing him that effective June 14, 2006, he had been considered to have voluntarily resigned from the City of Montgomery Fire Department.

Submitted this 17<sup>th</sup> day of March, 2008.

/s/Kimberly O. Fehl  
Kimberly O. Fehl (FEH001)  
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**CERTIFICATE OF SERVICE**

I hereby certify that foregoing has been served upon the following by electronic filing and notification through CM/ECF with United States District Court Middle District of Alabama on this 17<sup>th</sup> day of March, 2008:

Gerald L. Miller, Esq.  
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/s/Kimberly O. Fehl  
Of Counsel